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ALEXANDER L. STEVAS,
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No. 83-542

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM 1983

P. P. LANGFORD, LINDA LANGFORD
(MRS. JERRY G.) MOORE, DESIREE LYNN
LANGFORD, MERISSA LAFAWN LANGFORD,
SHIRLEY LANGFORD,

Petitioners,

VS.

DAVID L. JAMES AND OLLEN JAMES;
BRUCE WRIGHT, MARY BEN WRIGHT and
ANNA MAE STOVEALL; COMMISSIONERS
OF THE LAND OFFICE, STATE OF OKLAHOMA;
UNITED STATES OF AMERICA,

Respondents.

BOUNDARY SUIT

ON WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS
TENTH DISTRICT

VOLUME TWO — APPENDIX

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APPENDIX I

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

CASE NO. CIV-75-461-D

DAVID L. JAMES and OLLEN JAMES,
Plaintiffs,

BRUCE WRIGHT, MARY BEN WRIGHT and
ANNA MAE STOVALL,
Intervening Plaintiffs,

vs

P.P. LANGFORD, LINDA LANGFORD
(MRS. JERRY G.) MOORE, DESIREE LYNN
LANGFORD, MERISSA LAFAWN LANGFORD,
SHIRLEY LANGFORD, and
THE UNITED STATES OF AMERICA and
THE COMMISSIONERS OF THE LAND OFFICE,
STATE OF OKLAHOMA,
Defendants.

JUDGMENT

This declaratory judgment action to quiet title to real property lying in the bed of the Red River between Jefferson County, Oklahoma, and Clay County, Texas. The Court has subject matter jurisdiction of the cause pursuant to 28 U.S.C. §1332 by reason of diversity of citizenship and amount in controversy, and over the United States of America pursuant to 28 U.S.C. §§1346(f) and 2409a. Additional parties were properly joined by reason of their ownership of interests in the lands involved. An extensive non-jury trial has been conducted herein, and the Court filed its memorandum opinion on May 19, 1981.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the boundaries between the lands owned by the parties hereto, the respective rights of the parties, and the ownership of the lands involved herein, are declared and determined to be as set out below:

1. The boundary between Oklahoma and Texas, as fixed by the Treaty of 1819

between the United States and Spain, is the south (here west) bank of the Red River. The cut bank along the southerly (westerly) side of the sand bed constitutes the south (west) bank of the river; and the boundary is on and along that bank at the mean lever of the water when it washes the bank without overflowing it. The boundary is as it was in 1821, subject to the right application of the doctrines of erosion and accretion, and of avulsion. Oklahoma v. Texas, 260 U.S. 606, 43 S.Ct. 221, 67 L.Ed. 428 (1923).

2. The boundary here in dispute lies between a portion of the Reuben Brown survey on the Texas side, and Sections 13 and 24, Township 5 South, Range 9 West of the Indian Meridian on the Oklahoma side. The south (west) boundary bank of the Red River at this location is the bank referred to throughout the litigation as the "wheat field bank", a pronounced bank or acclivity which runs roughly north and south along the eastern edge of the lands

in the Reuben Brown survey which have been under cultivation for many years.

3. The defendants, P.P. Langford, Linda Langford (Mrs. Jerry G.) Moore, Desiree Lynn Langford, Merissa LaFawn Langford, and Shirley Langford, are the owners in fee simple of the lands in the State of Texas, comprising a portion of the Reuben Brown Survey, to the west of the boundary bank described in Paragraph 2 above; and the wheat field bank constitutes the eastern boundary of their lands.

4. The bed of the Red River north (east) of the boundary bank constitutes lands located in the State of Oklahoma, and lands riparian to Sections 13 and 24, Township 5 South, Range 9 WIM, and is owed as follows:

(a) That portion of the river bed lying north (east) of the boundary bank described above, and south (west) of the medial line of the river bed is owned in fee simple by the United States of America.

(b) That portion of the river bed lying north (east) of the medial line is owned in fee simple by plaintiffs David L. James and Ollen James, less and except all oil and gas and other such minerals in and under and which may be produced therefrom, which are owned as follows:

(c) All oil and gas and other such minerals in that portion of the bed of the Red River north (east) of the medial line in Section 13, Township 5 South, Range 9 WIM, are owned by the State of Oklahoma, Commissioners of the Land Office.

(d) All oil and gas and other such minerals in that portion of the bed of the Red River north (east) of the medial line in Section 24, Township 5 South, Range 9 WIM, are owned by intervening plaintiffs Bruce Wright, Mary Ben Wright and Anna Mae Stovall.

5. The title of the respective parties to their respective lands and interests as set out in the preceding paragraph is adjudicated, and forever quieted and confirmed.

6. The boundary lines established by this order shall hereafter be subject to proper application of the doctrines of erosion and accretion, and of avulsion, all as described in Paragraph 1 above.

7. The Court retains jurisdiction for a period of six months after the date this Judgment becomes final, within which time a motion of any party to order or approve a field survey of boundary lines described herein will be entertained, or a stipulation thereon approved. In the event of any such motion, such further proceedings shall be conducted, and such further orders entered as to the precise location of the boundary lines pursuant to a field survey as the Court shall deem appropriate.

Dated this 19th day of June, 1981.

/s/ Fred Daugherty

FRED DAUGHERTY
UNITED STATES
DISTRICT JUDGE

APPROVED:

/s/ Charles Nesbitt
Attorney for Plaintiffs

/s/ Roland Tague
Attorney for Defendants

/s/ James F. Howell (AE)
Attorney for Intervening
Plaintiffs

/s/ John E. Green
Attorney for United States
of America

/s/ R. R. Williamson (AE)
Attorney for State of
Oklahoma,
Commissioners of the Land
Office

FILED
June 19, 1981
Herbert T. Hope
Clerk, U.S. District
Court

By /s/ Vera Eddleman
Deputy